

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/25/2002

04/12/2002

CLERK OF THE COURT
FORM D000A

HONORABLE BRIAN K. ISHIKAWA

B. Wessing
Deputy

DR 1999-092380

FILED: _____

IN RE THE MARRIAGE OF
JERALDEAN PARMELEE

RICHARD W CLARK

AND

CHARLES E PARMELEE JR.

ERIC W KESSLER

DOCKET-SE
SUPPORT SERVICES-SE

DECREE OF DISSOLUTION

Trial was held and the matter was taken under advisement upon receipt of the Parties' written closing arguments. The Court has considered the evidence presented, pleadings and arguments.

I. JURISDICTION

THE COURT FINDS that the jurisdictional requirements have been met; that at least one of the parties has been domiciled in the state of Arizona for more than 90 days immediately preceding the filing of the petition; that the marriage of the parties is not a "covenant" marriage; that the conciliation provisions of A.R.S. Section 25-381.09 either have

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been met or do not apply; that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation; that the parties do not have any minor child born as issue of this marriage; and where it has the legal power to do so and where it is applicable to the facts of this case, this Court has considered, approved, and made orders relating to the issue of spousal maintenance/support, and the division of property and/or debts.

II. SPOUSAL MAINTENANCE

THE COURT FINDS:

- The Parties were married on or about November 28, 1966, and therefore the marriage was of long duration.
- Petitioner/Wife is 55 years of age.
- Respondent/Husband is 60 years of age.
- Petitioner/Wife is in poor health both physically and emotionally.
- Petitioner/Wife requires inhalers and takes several medications daily for her physical and emotional problems.
- Petitioner/Wife has a history of employment with collection agencies and was last employed in January 1999.
- Petitioner/Wife receives approximately \$1,190.00 each month in Social Security disability payments.

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- Respondent/Husband has been employed by the Town of Gilbert for the past several years and is currently the Supervisor for the property/evidence warehouse of the Gilbert Police Department. Respondent/Husband receives \$18.75 per hour in his employment.
- The Parties both worked during the marriage and enjoyed a comfortable standard of living.
- Petitioner/Wife lacks sufficient property to provide for her reasonable needs.
- Respondent/Wife lacks the earning ability in the labor market to adequately support herself.
- Respondent/Wife is entitled to an award of spousal maintenance.

IT IS ORDERED that Respondent/Husband shall pay Petitioner/Wife spousal maintenance in the amount of \$1,500.00 per month for 120 months commencing on May 1, 2002. Payment shall be made by automatic wage assignment through the Support Payment Clearinghouse. Counsel for Respondent/Father is directed to submit an Order of Assignment and Judgment Data Sheet to the Court by no later than May 17, 2002.

III. PROPERTY

THE COURT FINDS that approximately \$6,300.00 of Petitioner/Wife's share of community funds were withdrawn by Respondent/Husband after the date of service of process of the Petition for Dissolution on May 20, 1999 without a specific court order and/or Petitioner/Wife's approval. In its Orders, the Court will award Petitioner/Wife by way of equalization her

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share of the community funds withdrawn by Respondent/Husband without court order and/or Petitioner/Wife's approval.

IT IS ORDERED awarding to Petitioner/Wife as her sole and separate property, along with any encumbrance due thereon, the following:

- The marital residence located at 2412 South Brighton Circle, Mesa, Arizona 85208.
- The household furnishings in the marital residence located at 2412 South Brighton Circle, Mesa, Arizona 85208.
- 1993 Honda Civic EX.
- The Marquise cut diamond ring.
- The community personal property currently in her possession unless otherwise specifically specified in this Decree.
- The family photographs/video tapes. The Parties shall make arrangements to have duplicates made for Respondent/Husband. The cost of duplication shall be divided 50/50 between the Parties.

IT IS FURTHER ORDERED awarding Respondent/Husband as his sole and separate property, along with any encumbrance due thereon, the following:

- The Branson, Missouri time-share.
- The 1998 Ford F150 truck.
- The 1977 Honda GL 1000 motorcycle.

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- The Honda 350 motorcycle.
- The 1981 Rinkerbuilt boat and trailer.
- The guns and tools.
- The community personal property currently in his possession unless otherwise specifically specified in this Decree.

**IV. BANK ACCOUNTS, MUTUAL FUNDS, STOCKS, RETIREMENT
ACCOUNTS AND OTHER INVESTMENTS**

IT IS ORDERED that Petitioner/Wife and Respondent/Husband are each awarded as her/his sole and separate property one-half (1/2) share of the following:

- The Valic account.
- The ICMA account.
- The Best of America mutual fund account.
- The Price International account.
- The Johnson Controls stock account.
- The Pax World account.
- The cash surrender value of the three (3) State Farm Life Insurance policies.

IT IS FURTHER ORDERED that Respondent/Husband is awarded as his sole and separate property the following:

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- The Eaton Vance mutual fund account.
- The Exxon stock account.
- The Gateway mutual fund account.

IT IS FURTHER ORDERED that Petitioner/Wife and Respondent/Husband are each awarded as her/his sole and separate property one-half (1/2) share of the following accounts from the date of the marriage on November 28, 1966 though the date of service of process of the Petition for Dissolution of Marriage on May 20, 1999:

- IRA in Petitioner/Wife's name.
- IRA in Respondent/Husband's name.
- American Century Equity Growth IRA.
- American Century Equity Growth Roth IRA.
- Oppenheimer IRA.
- T. Rowe Price Equity Income IRA.
- T. Rowe Price Equity Income Roth IRA.
- The Ohio Police and Fireman's Fund pension plan.
- The Ohio pension plan.
- The Town of Gilbert pension plan.
- The Town of Gilbert Employee deferred compensation plan.

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IT IS FURTHER ORDERED that the Parties shall retain a Qualified Domestic Relations expert to prepare any necessary QDRO. Each Party will be responsible for one-half (1/2) of the QDRO expert's fees.

V. DEBTS

IT IS ORDERED:

- Petitioner/Wife shall be responsible for any and all debts incurred by Petitioner/Wife since the date of service of process of the Petition for Dissolution on May 20, 1999, unless otherwise specified in this Decree.
- Respondent/Husband shall be responsible for any and all debts incurred by Respondent/Husband since the date of service of process of the Petition for Dissolution on May 20, 1999, unless otherwise specified in this Decree.

VI. ATTORNEY'S AND EXPERT'S FEES

THE COURT FINDS:

- Pursuant to the Order of September 18, 2001, Respondent/Husband was ordered to pay Petitioner/Wife's attorney's fees in the amount of \$1,455.50 by no later than December 12, 2001.
- Respondent/Husband was served with the Order or otherwise had knowledge of the Order at the time it was made.

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- Respondent/Husband had the ability to pay all or a substantial amount of the attorney's fees as it became due, but willfully failed and refused to pay as ordered.
- Each Party should bear her/his own attorney's fees and costs, except as noted above.
- Petitioner/Wife's request for expert witness fees should be granted in part.

IT IS ORDERED:

- Respondent/Husband is found in contempt of court for failure to pay attorney's fees as ordered.
- As a sanction, Respondent/Husband shall pay Petitioner/Wife's reasonable attorney's fees and costs incurred herein on the contempt issue to be determined by the Court after review of counsel's affidavit. Counsel for Petitioner/Mother is directed to submit a China Doll Affidavit for the Court's consideration by no later than May 17, 2002.
- Granting Judgment in favor of Petitioner/Wife and against Respondent/Husband in the amount of \$1,455.50, together with interest as provided by law. Said Judgment is to be paid by no later than June 15, 2002.
- Each Party shall bear her/his own attorney's fees and costs except as ordered above.
- Respondent/Husband shall be responsible for \$2,637.00 of Petitioner/Wife's expert witness fee for Mr. Davis. Said amount is to be paid by no later than July 1, 2002.

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- Denying Petitioner/Wife's request for expert witness fee for Dr. Tharp.

VII. OTHER ORDERS

IT IS ORDERED dissolving the marriage and restoring each Party to the status of a single person.

IT IS FURTHER ORDERED that each Party shall execute any and all documents required to carry out the intent of this Decree.

VIII. CONCLUSION

Pursuant to Rule 58, Arizona Rules of Civil Procedure, this final Judgment/Decree is settled, approved and signed by the Court and shall be entered by the Clerk.

Dated this 12th day of April, 2002.

/S/ HONORABLE BRIAN K. ISHIKAWA

JUDICIAL OFFICER OF THE SUPERIOR COURT